

TEN  
28/71

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ozaki et al.

Serial No.: 09/819,291

Conf. No.: 6868

Filed: March 28, 2001

For: LIQUID CRYSTAL DISPLAY  
DEVICE AND FAULT REPAIRING  
METHOD FOR THE LIQUID  
CRYSTAL DISPLAY DEVICE

Art Unit: 2871

Examiner: Nguyen, Hoan C.

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

February 13, 2006

Date

Registration No. 47,954  
Attorney for Applicant(s)

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-150

Dear Sir:

(X) Enclosed is a Response to Election/Restriction Requirement.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069. A duplicate copy of this sheet is enclosed.

Customer No. 24978

February 13, 2006

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Tel: (312) 360-0080  
Fax: (312) 360-9315  
P:\DOCS\1508653779Y6622.DOC

Respectfully submitted,

GREER, BURNS &amp; CRAIN, LTD.

By

Josh C. Snider

Registration No. 47,954

1508.65377

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ozaki et al.  
Serial No.: 09/819,291  
Conf. No.: 6868  
Filed: March 28, 2001  
For: LIQUID CRYSTAL DISPLAY  
DEVICE AND FAULT REPAIRING  
METHOD FOR THE LIQUID  
CRYSTAL DISPLAY DEVICE  
Art Unit: 2871  
Examiner: Nguyen, Hoan C.

I hereby certify that this paper is being deposited with the  
United States Postal Service as FIRST-CLASS mail in an  
envelope addressed to: Mail Stop AMENDMENT,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450, on this date.

February 13, 2006

Date

Registration No. 47,954  
Attorney for Applicant(s)

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed January 11, 2006,  
Applicants elect Group C (Claims 40-42), with traverse.

The grounds for traversal are that the Examiner has not established how the  
three groups are patentably distinct species, nor has the Examiner established that an  
examination of all nine claims together (six of which the Examiner has fully considered  
already) will place a serious burden on the Examiner.

The Examiner, on page two of the outstanding office action, only identifies different elements and features among the three independent claims of the present invention, but does not indicate how the differences in the claim language render the three groups patentably distinct species from one another, such that the three groups could not be examined by the Examiner within the same application without imposing a serious burden upon the Examiner. The Examiner has not identified any classes or subclasses to the claim language he cites, and therefore has failed to establish a *prima facie* case that a restriction is necessary between the three groups of the claims. The Examiner appears to be asserting that the number of conductive films recited in each claim renders the claims patentably distinct from one another. If so, the Examiner should clearly state this determination on the record.

Nevertheless, and regardless of the Examiner's determination with respect to the number of conductive films in each independent claim, the Examiner has also failed to establish how the examination of three additional claims, of the forty originally filed (six still pending), will establish a serious burden upon the Examiner. It is not appropriate to restrict even patentably distinct species from one another when there is no serious burden upon the Examiner to examine the claims all together. In the present case, the Examiner has established no more than that the examination of these three claims will establish *some* burden, but not a serious burden. The Examiner has himself identified several similar features between the claims. A search for all of these claimed features together should therefore be the same, or at least overlap. The only actual burden established by the

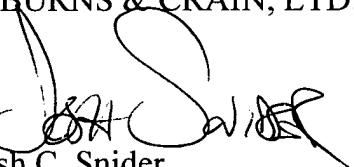
Examiner (which is not a serious burden by itself) is that nine claims should be examined instead of six.

For all of the foregoing reasons, Applicants submit that the outstanding Election/Restriction Requirement should be withdrawn.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Josh C. Snider  
Registration No. 47,954

**Customer No. 24978**

February 13, 2006

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315  
P:\DOCS\1508\653779Y6621.DOC